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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THE CONTINENTAL INSURANCE  
COMPANY,

Plaintiff,

v.

JOHN JOSEPH COTA; REGAL STONE  
LIMITED; FLEET MANAGEMENT LTD.;  
and the *M/V COSCO BUSAN*, LR/IMO Ship  
No. 9231743 her engines, apparel, electronics,  
tackle, boats, appurtenances, etc., *in rem*,

Defendants.

Case No. 3:08-cv-2052-SC as related to: 07-  
cv-5800-SC, 07-cv-6045-SC, and 07-cv-5926-  
SC

**[PROPOSED] ORDER GRANTING  
DEFENDANT JOHN J. COTA'S MOTION  
TO STAY CIVIL ACTION PENDING  
RESOLUTION OF CRIMINAL  
PROCEEDING OR, ALTERNATIVELY,  
TO COMPEL ARBITRATION**

Date: September 5, 2008  
Time: 10:00 a.m.  
Ctm: 1

The motion of defendant John J. Cota ("Captain Cota") for an order staying the civil action pending resolution of the criminal proceeding, or in the alternative, for an order to compel arbitration was heard before this Court on September 5, 2008, in Courtroom 1, the Honorable Samuel Conti presiding.

The Court, having considered the moving and opposing papers, and good cause appearing thereto, HEREBY ORDERS THAT Captain Cota's motion to stay the civil action pending resolution of the criminal proceeding is GRANTED, and the above-captioned action is stayed for 120 days

1.

[PROPOSED] ORDER GRANTING DEFENDANT JOHN J. COTA'S MOTION TO STAY CIVIL ACTION PENDING RESOLUTION OF CRIMINAL PROCEEDING OR, ALTERNATIVELY, TO COMPEL ARBITRATION – CV 08-2052 SC

1 from the date of this Order or until final resolution of the criminal case of U.S. v. John J. Cota, Case  
2 No. CR 08-0160 SI, now pending in the United States District Court, Northern District of California,  
3 San Francisco Division.

4  
5 [ALTERNATIVE ORDER: The Court, having considered the moving and opposing papers, and  
6 good cause appearing thereto, HEREBY ORDERS THAT Captain Cota's motion to stay the civil  
7 action pending resolution of the criminal proceeding is DENIED and that Captain Cota's alternative  
8 motion to compel arbitration of all claims by plaintiff against Captain Cota is GRANTED. The  
9 Court further ORDERS that the within action is stayed to as to all claims and all parties until  
10 conclusion of the arbitration between Captain Cota and plaintiff.]

11  
12 **IT IS SO ORDERED.**

13  
14 DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Samuel Conti  
U.S. DISTRICT COURT JUDGE